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THE UNITED STATES

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

13 **JANINE CHANDLER; KRYSTAL
GONZALEZ; TOMIEKIA JOHNSON;
NADIA ROMERO, individuals; and
WOMAN II WOMAN, a California non-
profit corporation,**

14

Plaintiff,

V.

18 **CALIFORNIA DEPARTMENT OF**
19 **CORRECTIONS AND**
20 **REHABILITATION; KATHLEEN**
21 **ALLISON, Secretary of the California**
22 **Department of Corrections and**
 Rehabilitation, in her official capacity;
 MICHAEL PALLARES, Warden, in his
 official capacity; MONA D. HOUSTON,
 Warden, in her official capacity; and DOES
 1-10, inclusive.

Defendants.

1:21-cv-01657-JLT-HBK

**NOTICE OF MOTION AND MOTION
TO DISMISS COMPLAINT PURSUANT
TO FEDERAL RULES OF CIVIL
PROCEDURE 12(B)(1) AND 12(B)(6)**

Judge: The Honorable Jennifer L. Thurston
Date: May 19, 2022 at 9:00 a.m.
Courtroom: 4, 7th Floor
Trial Date: N/A
Action Filed: 11/17/2021

25 TO PLAINTIFFS CHANDLER, GONZALEZ, JOHNSON, ROMERO, AND
26 WOMAN II WOMAN:

PLEASE TAKE NOTICE that on May 19, 2022 at 9:00 a.m. or as soon thereafter as the

1 matter can be heard in Courtroom 4, 7th Floor, 2500 Tulare Street, Fresno, California 93721,
2 Defendants will move, under Federal Rules of Civil Procedure 12(b)(1) and (6), for an order
3 dismissing Plaintiffs' Complaint with prejudice.

4 Defendants base this motion on this notice of motion and motion, the attached
5 memorandum of points and authorities, the request for judicial notice, the declaration of J.
6 Thissen, the pleadings, records, and files in this action, and any other matters that may properly
7 come before this Court.

8 The parties met and conferred regarding the substance of this motion before its filing. On
9 February 10, 2022 the parties discussed the matter and Defendants requested Plaintiffs file an
10 amended complaint. Defendants restated this request by letter to Plaintiffs on February 14, 2022.
11 Because no amended complaint has been filed, efforts at resolving issues with the complaint have
12 exhausted and Defendants now move to dismiss the complaint with prejudice.

13 Dated: April 11, 2022

14 Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
Preeti K. Bajwa
Supervising Deputy Attorney General

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/s/ *Anthony Corso*
ANTHONY N. CORSO
Deputy Attorney General
Attorneys for Defendants
CDCR, K. Allison, M. Houston, and M. Pallares

CERTIFICATE OF SERVICE

Case Name: *Chandler et al. v. CDCR et al.* No. **1:21-cv-01657-NONE-HBK**

I hereby certify that on April 11, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(B)(1) AND 12(B)(6)**
- **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS**
- **REQUEST FOR JUDICIAL NOTICE OF MATTERS AND RECORDS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS (with Exhibits A-S)**
- **DECLARATION OF J. THISSEN IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS (with Exhibits A-K)**
- **DEFENDANTS' MOTION TO FILE REDACTED EXHIBITS TO THISSEN DECLARATION AND IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on April 11, 2022, at San Francisco, California.

H. Su
Declarant

/s/ H. Su
Signature